

## Message Text

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ORIGIN EUR-12

INFO OCT-01 IO-04 ISO-00 L-02 SS-15 ACDA-05 CIAE-00

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S/S:WHLUERS

EUR:JGLOWENSTEIN (IN DRAFT)

IO:UNP:VHARTLEY

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R 222222Z OCT 74

FM SECSTATE WASHDC

TO USMISSION GENEVA

AMEMBASSY BONN

INFO AMEMBASSY ROME

AMEMBASSY BUCHAREST

USMISSION NATO

AMEMBASSY PARIS

AMEMBASSY LONDON

USMISSION USUN NEW YORK

AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 232680

E.O. 11652: GDS

TAGS: PFOR, CSCE, IT

SUBJECT: ITALIAN POSITION ON ENEMY STATES CLAUSES

GENEVA FOR USDEL CSCE

1. PURSUING ISSUES EARLIER RAISED IN SEVERAL ALLIED  
CAPITALS, ITALIAN DCM TAMAGNINI CALLED ON DEPUTY ASSISTANT  
SECRETARY LOWENSTEIN OCTOBER 21 TO PRESENT GO'S FURTHER  
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THINKING ON VALIDITY OF ENEMY STATES' CLAUSES IN

ARTICLES 53 AND 107 OF UN CHARTER AND POSSIBLE INDIRECT REFERENCES TO THEM IN CSCE DOCUMENTS. HE SAID THAT PARALLEL PRESENTATIONS ARE BEING MADE TO FRANCE AND UK IN PARIS AND LONDON.

2. WITH RESPECT TO TEXT BEING CONSIDERED BY CSCE IN GENEVA, GOI IS CONCERNED THAT A BROAD REFERENCE IN TENTH PRINCIPLE (ON "FULFILLMENT IN GOOD FAITH OF INTERNATIONAL OBLIGATIONS") TO "PROVISIONS OF THE UN CHARTER" COULD BE TAKEN AS ENCOMPASSING THE STRICTURES OF ARTICLES 53 AND 107. GOI WOULD MUCH PREFER REFERENCE, INSTEAD, TO "PURPOSES AND PRINCIPLES" OF UN CHARTER.

3. BEYOND THAT, ITALY WOULD GREATLY APPRECIATE DECISION ON PART OF US, UK AND FRANCE TO LAY TO REST ONCE AND FOR ALL ANY RESIDUAL SIGNIFICANCE OF ARTICLES 53 AND 107 AT LEAST AS FAR AS ITALY IS CONCERNED. THIS CAN BE DONE, GOI

SUGGESTS, BY US, UK AND FRENCH PERMREPS AT UNGA RESPONDING POSITIVELY TO RECENT STATEMENT BY ITALY'S PERMREP THAT ARTICLES 53 AND 107 WERE, IN EFFECT, DEAD LETTERS.

4. IN RESPONSE TO QUESTIONS, TAMAGNINI SAID THAT NO REQUEST WILL BE MADE OF USSR FOR SIMILAR STATEMENT. ROME IS CONTENT TO GET AFFIRMATIVE ACTION FROM ITS FRIENDS. FURTHER, WHILE GOI WOULD PREFER DISAVOWAL OF ARTICLES 53 AND 107 IN UN CONTEXT, IT WOULD BE CONTENT, AT MINIMUM, WITH FORMULATIONS IN CSCE PRINCIPLES WHICH, AT LEAST IN ITS VIEW, DO NOT IMPLIEDLY PERPETUATE ARTICLES 53 AND 107 IN EUROPEAN CONTEXT. TAMAGNINI DISCLAIMED ANY ITALIAN CONCERN WITH ARTICLES 53 AND 107 ASIDE FROM PURELY TECHNICAL AND LEGAL.

5. LOWENSTEIN POINTED OUT TO TAMAGNINI THAT IN US VIEW ARTICLES 53 AND 107 NO LONGER APPLIED TO ITALY BECAUSE ITALY HAS SIGNED PEACE TREATY WITH VICTOR POWERS. LOWENSTEIN ASSURED, HOWEVER, THAT ITALIAN DEMARCHE WOULD BE GIVEN CAREFUL CONSIDERATION AND A RESPONSE IN DUE COURSE.

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6. FOR ROME AND USDEL CSCE: WE WOULD APPRECIATE EMBASSY ROME VIEWS ON REASONS FOR PERSISTENT GOI EFFORTS TO ELICIT ALLIED STATEMENT ON ENEMY STATES CLAUSES, SINCE ITALY HAS LONG SINCE SIGNED WWII PEACE TREATY (ON FEBRUARY 10, 1947). WE ALSO WOULD WELCOME CSCE DELS COMMENTS ON STATUS OF EFFORTS TO MEET CONCERNS OF ITALIANS (AS WELL AS ROMANIANS) RE ARTICLES 53 AND 107.

7. FOR EMBASSY BONN: WE ARE STUDYING LEGAL QUESTIONS AND SUGGEST THAT YOU COORDINATE WITH FRENCH AND UK EMBASSIES, NOTING THAT WHILE WE ARE NOT RPT NOT PREPARED TO DISAVOW ARTICLES 53 AND 107 GENERALLY, WE ARE WILLING TO CONSIDER ISSUANCE OF A LOW-KEY STATEMENT FOR USE AT SOME CONVENIENT POINT DURING COURSE OF UNGA TO MEET SPECIFIC ITALIAN CONCERNS. FOLLOWING AGREEMENT WITH FRENCH AND BRITISH ON HOW TO PROCEED, YOU SHOULD ENSURE THAT FRG IS APPRISED OF OUR POSITION THROUGH DISCUSSIONS IN BONN GROUP PRIOR TO ANY ACTIONS WHICH WE MAY TAKE AT UNGA. KISSINGER

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## Message Attributes

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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
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**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**TAGS:** PFOR, MPOL, IT, CSCE  
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